

Order

Michigan Supreme Court
Lansing, Michigan

February 6, 2015

Robert P. Young, Jr.,
Chief Justice

150006 & (11)

Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

CODY JASON-CHRISTOPHER PATTON,
Defendant-Appellant.

SC: 150006
COA: 322521
Macomb CC: 2011-004463-FH
2011-003714-FH

On order of the Court, the motion to add a new issue is GRANTED. The application for leave to appeal the July 25, 2014 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Macomb Circuit Court to provide the defendant the opportunity to withdraw his plea, for the reason that the trial court failed to adhere to the court's sentence evaluation provided at the plea hearing or to allow the defendant to withdraw his plea. *People v Cobbs*, 443 Mich 276 (1993); MCR 6.302(C)(3). We are not persuaded that the standards set forth in *People v Hill*, 221 Mich App 391, 398 (1997), require reassigning the case to a different judge. We further ORDER the trial court to determine, in accordance with Administrative Order 2003-03, whether the defendant is indigent and, if so, to appoint counsel to represent him in connection with the remand proceedings. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.



t0203

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 6, 2015


Clerk